

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACOB CURTIS ALLEN HELM,

Plaintiff,

v.

MADERA COUNTY CALIFORNIA, et
al.,

Defendants.

Case No. 1:23-cv-00487-EPG (PC)

ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN FORMA
PAUPERIS

(ECF No. 2)

ORDER DENYING PLAINTIFF'S REQUEST
FOR SERVICE BY MARSHALS, WITHOUT
PREJUDICE

(ECF No. 4)

Plaintiff is a former prisoner proceeding *pro se* in this action.

On March 30, 2023, Plaintiff submitted an application to proceed *in forma pauperis*. (ECF No. 2). Plaintiff has made the showing required by 28 U.S.C. § 1915(a). Therefore, the Court will grant Plaintiff's application.

On April 17, 2023, Plaintiff filed a motion requesting service of the summons and complaint by the United States Marshals Service ("USMS"). (ECF No. 4). The Court will deny this motion, without prejudice. As Plaintiff is proceeding *in forma pauperis*, the Court will screen Plaintiff's complaint under 28 U.S.C. § 1915. "Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii). "The Court will direct the United States Marshal to serve Plaintiff's complaint only after the Court has screened the complaint and determined that it contains

cognizable claims for relief against the named defendant[s].” Cleveland v. Xiong, 2022 WL 17994339, at *1 (E.D. Cal. Dec. 29, 2022).

Accordingly, IT IS ORDERED that:

1. Plaintiff’s application to proceed *in forma pauperis* (ECF No. 2) is GRANTED;
and
2. Plaintiff’s motion for service of the summons and complaint by the United States Marshals Service (ECF No. 4) is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: April 19, 2023

/s/ Eric P. Guoj
UNITED STATES MAGISTRATE JUDGE